

SOUTHERN ENVIRONMENTAL LAW CENTER

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June 11, 2021

VIA FOIAonline (foiaonline.gov)

National Freedom of Information Act Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

**Re: Freedom of Information Act Request: Petition for Review of South Carolina
Surface Water Withdrawal, Permitting Use, and Reporting Act**

Dear National Freedom of Information Officer,

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, the Southern Environmental Law Center ("SELC") requests the following documents in the possession or control of the United States Environmental Protection Agency ("EPA"):

1. Any and all documents related to the Petition for Review of South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act sent by American Rivers, Friends of the Edisto, Inc., and Save our Saluda on November 17, 2016, and addressed to Mr. James Giattina, Water Protection Division Director for EPA Region 4 (hereinafter "the Petition"), including but not limited to:
 - a. Any and all documents related to EPA's review of the Petition;
 - b. Any and all documents related to communications regarding the Petition; and
 - c. Any and all documents related to the South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act of 2010 ("the Withdrawal Act"), S.C. Code Ann. § 49-4-10 *et seq.*, and associated regulations, S.C. Code Ann. Regs. 61-119, including any communications regarding the Withdrawal Act.

For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic: materials, communications, correspondence, emails, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail in the possession or control of EPA. We specifically request all documents in the timeframe up to and including the date of EPA's search for responsive records.

FOIA requires a responding agency to make a "determination" on any request within twenty (20) working days of receipt. *See* 5 U.S.C. § 552(a)(6)(A)(i). The statute favors disclosure of records and instructs the agency to withhold information only in narrowly defined

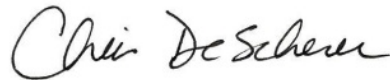
circumstances in which the agency can articulate a reasonably foreseeable harm protected by an exemption. *See id.* at § 522(a)(8)(A)(i). FOIA also requires the release of all reasonably segregable portions of a document that are themselves not exempt. *See id.* at § 552(b). Should EPA refuse to provide the information requested, EPA must inform SELC of the grounds for its refusal and the specific administrative appeal rights which are available. *See id.* at § 552(a)(6)(A)(i).

If there are any fees for searching for or copying the records, please supply the records without informing us of the cost if the fees do not exceed \$150.00, which we agree to pay. If the costs exceed that amount, please contact us before incurring those costs.

We are willing to work with your office to minimize the work necessary to respond. We are available to inspect public records prior to any duplication and are willing to discuss other ways to facilitate the production of the requested public records.

Please do not hesitate to contact me at 843-720-5270 or cdescherer@selcsc.org (cc cbrzorad@selcsc.org) to arrange for inspection, copying, and electronic transmission of the requested public records. Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Chris DeScherer". The signature is written in a cursive, flowing style.

Chris DeScherer